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19
20 UNITED STATES DISTRICT COURT
21 CENTRAL DISTRICT OF CALIFORNIA

22 CHARMAINE CHUA, ET AL.

23 PLAINTIFFS,

24 VS.

25 CITY OF LOS ANGELES, ET AL.,

26 DEFENDANTS.

CASE No: 2:16-cv-00237-JAK-GJS(x)
[HON. JOHN A. KRONSTADT]

JOINT STIPULATION TO CONTINUE
TRIAL AND RELATED DATES

HEARING DATE: JANUARY 14, 2019
HEARING TIME: 8:30 A.M.
COURTROOM: 10B

TRIAL DATE: MARCH 19, 2019
TIME: 9:00 A.M.
ACTION FILED: JAN. 13, 2016

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1 TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

2 Plaintiffs and Defendants do hereby stipulate as follows:

3 The parties previously submitted a joint trial report (Dkt 107) requesting a trial
4 date of April 30, following which the Court entered a trial date of March 19, 2019
5 (Dkt 108).

6 Even before recent events that necessitate a new trial date, the current trial date
7 of March 19 presented substantial problems for Mr. Litt, one of the Plaintiffs'
8 counsel responsible for the trial of this case. Mr. Litt has had a long-planned family
9 vacation from February 23, 2019, until March 5, 2019. The parties had requested
10 April 29 because that would have returned Mr. Litt approximately seven weeks
11 before trial, allowing him to be available for the Rule 16 meet and confer among
12 counsel, the extensive preparation for the pretrial conference, and the pretrial
13 conference itself (which is presently scheduled March 4 when Mr. Litt is away).

14 The parties were prepared to request that the court move the March 19 trial
15 date on that basis alone. However, in the interim, the sole Defendant's counsel,
16 Geoffrey Plowden, and the other Plaintiffs' counsel, Paul Hoffman, both have had
17 significant medical issues arise that makes a March 19 trial date unworkable (and
18 also necessitates that the hearing date on Plaintiffs' motion for General Damages be
19 moved).

20 To begin with defense counsel, Geoffrey Plowden is the sole counsel for
21 defendants on this case, and is the sole trial counsel. He was required to take an
22 immediate medical leave. As a result, he filed a Notice of Unavailability, which
23 indicated that leave will go until at least December 19, 2018. (Doc. 115.) Mr.
24 Plowden is currently out on leave, and his office does not currently know whether he
25 will be able to return on December 19.

- 26 a. Because this leave will put Mr. Plowden significantly back not only
27 on this case, but other cases for which he is responsible, the March
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1 19 trial date is not possible for him or his office. His other
2 commitments include several matters in addition to this one that will
3 require immediate attention on his return. He has another currently
4 scheduled trial set for February 25, 2019, in Los Angeles Superior
5 (*Darnell Monday v. City of Los Angeles*) that the City Attorney's
6 Office will also be addressing with that court. Because the City
7 Attorney's Office was only informed of Mr. Plowden's need for
8 immediate medical leave via a writing by his physician, it does not
9 know whether he will be able to return in December, but it is clear
10 that his matters will be seriously backed up as a result of Mr.
11 Plowden's leave.

- 12 b. For the same reason, it is not possible for Defendants to file their
13 opposition to the Motion for General Damages, which is currently
14 due on November 19. If the Court approves, the parties agree to
15 move the filing date for that opposition to January 7, the Reply to
16 January 21 and the hearing date to February 4, 2019.
- 17 c. The City Attorney's Office recognizes that, if Mr. Plowden is unable
18 to return to work by December 19, it will have to assign a new
19 attorney to this case. However, at this time, it anticipates that Mr.
20 Plowden will return by December 19. If he does not, any new
21 attorney assigned will be able to meet the schedule proposed for both
22 the General Damages motion and trial.

23 Finally, Paul Hoffman, the other Plaintiffs' trial counsel, requires hip
24 replacement surgery. He has been waiting for confirmation of the surgical date, with
25 the objective of setting it as soon as possible. He has been advised by his doctors that
26 the current plan is to have hip replacement surgery sometime in February, but he will
27 not know the exact date until late December. A trial date in March would mean that
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1 he would still be recovering from his surgery, which would put a strain on his
2 recovery, whereas he expects to be fully recovered from surgery if the trial is held at
3 the end of April or later.

4 Thus, the parties jointly stipulate that the Court continue the trial date from the
5 currently scheduled date of March 19, 2019, to May 7, 2019, or a convenient date
6 thereafter, and to continue the pretrial schedule accordingly, including specifically to
7 continue the pretrial conference to April 15, 2019. The parties have chosen the May 7
8 trial date as one they believe provides sufficient time for Mr. Hoffman's surgery
9 recovery and for Mr. Plowden to be available or Defendants assign new counsel who
10 will be ready.

11 The parties further stipulate that the date to file any opposition to the motion
12 for general damages (Dkt. 114) be extended to January 7, 2019, the reply to any
13 opposition be extended to January 21, 2019, and the hearing on the motion be set for
14 February 4, 2019.

15 IT IS SO STIPULATED

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17 DATED: November 16, 2018

Respectfully Submitted,

18 KAYE, MCLANE, BEDNARSKI & LITT
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20 SCHOENBRON, DESIMONE, ET AL.
21 LAW OFFICE OF COLLEEN FLYNN
22 LAW OFFICE OF MATTHEW STUGAR

23 By: /s/ Barrett S. Litt
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(Permission granted to affix defense counsel's signature on his behalf)